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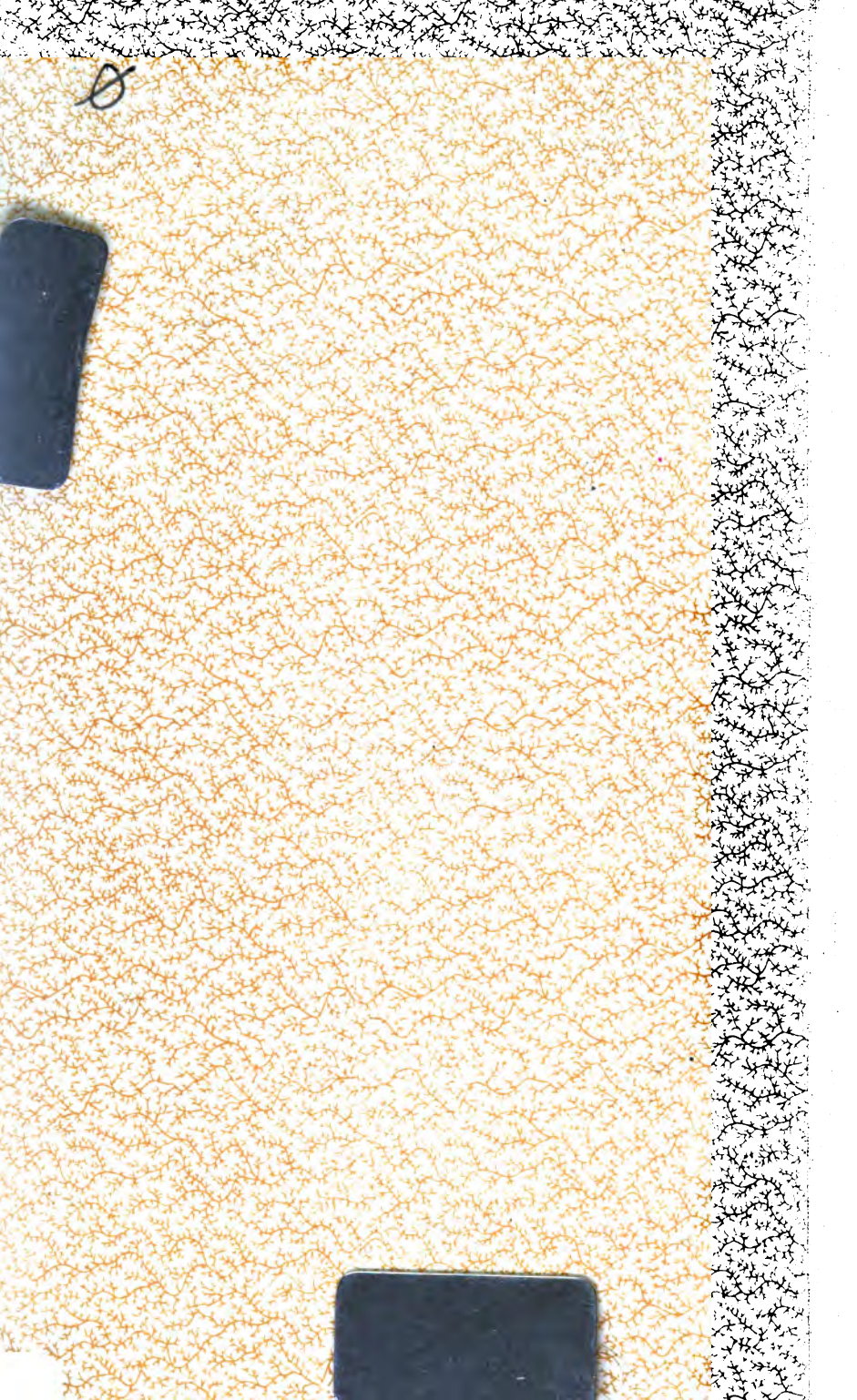
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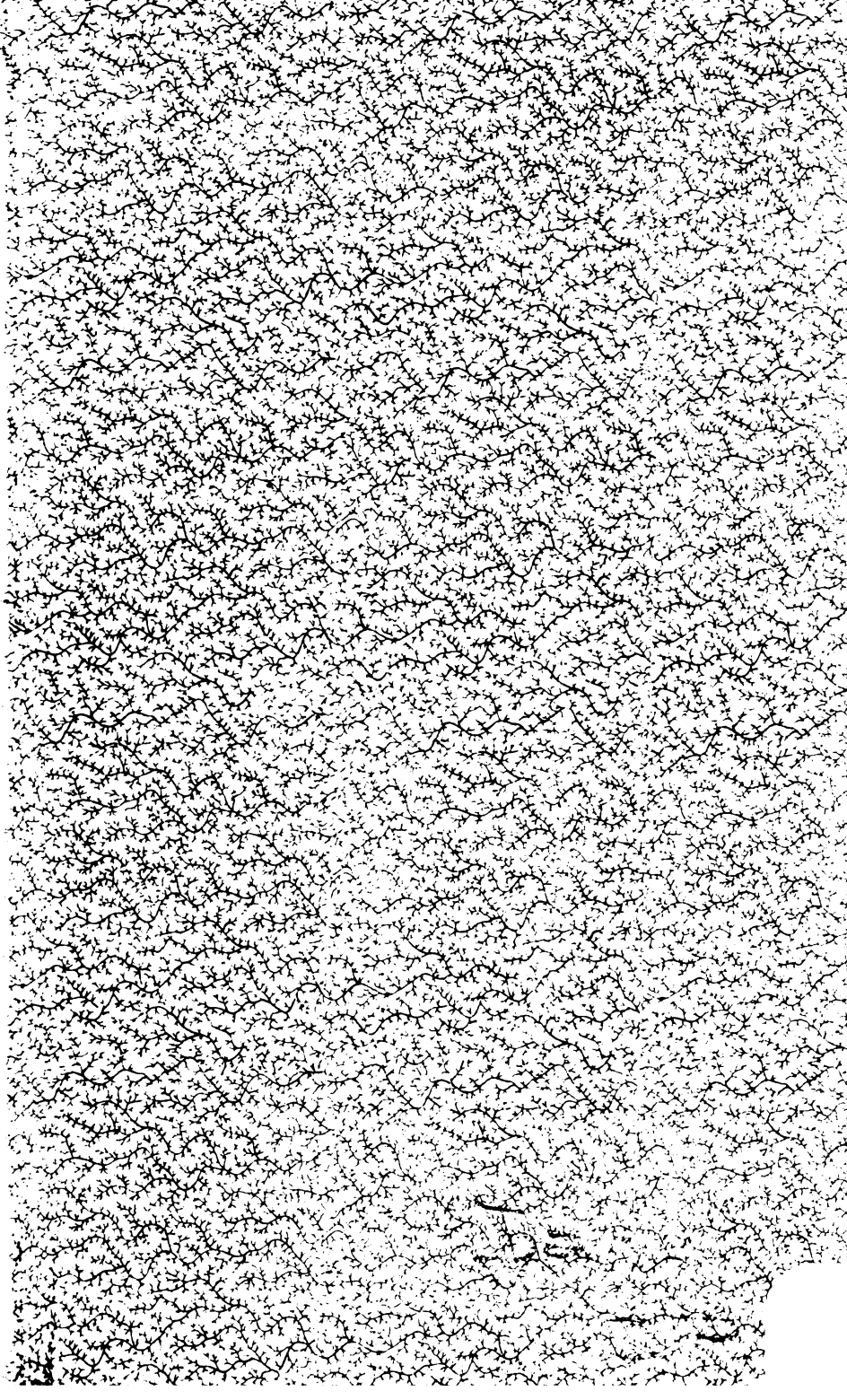
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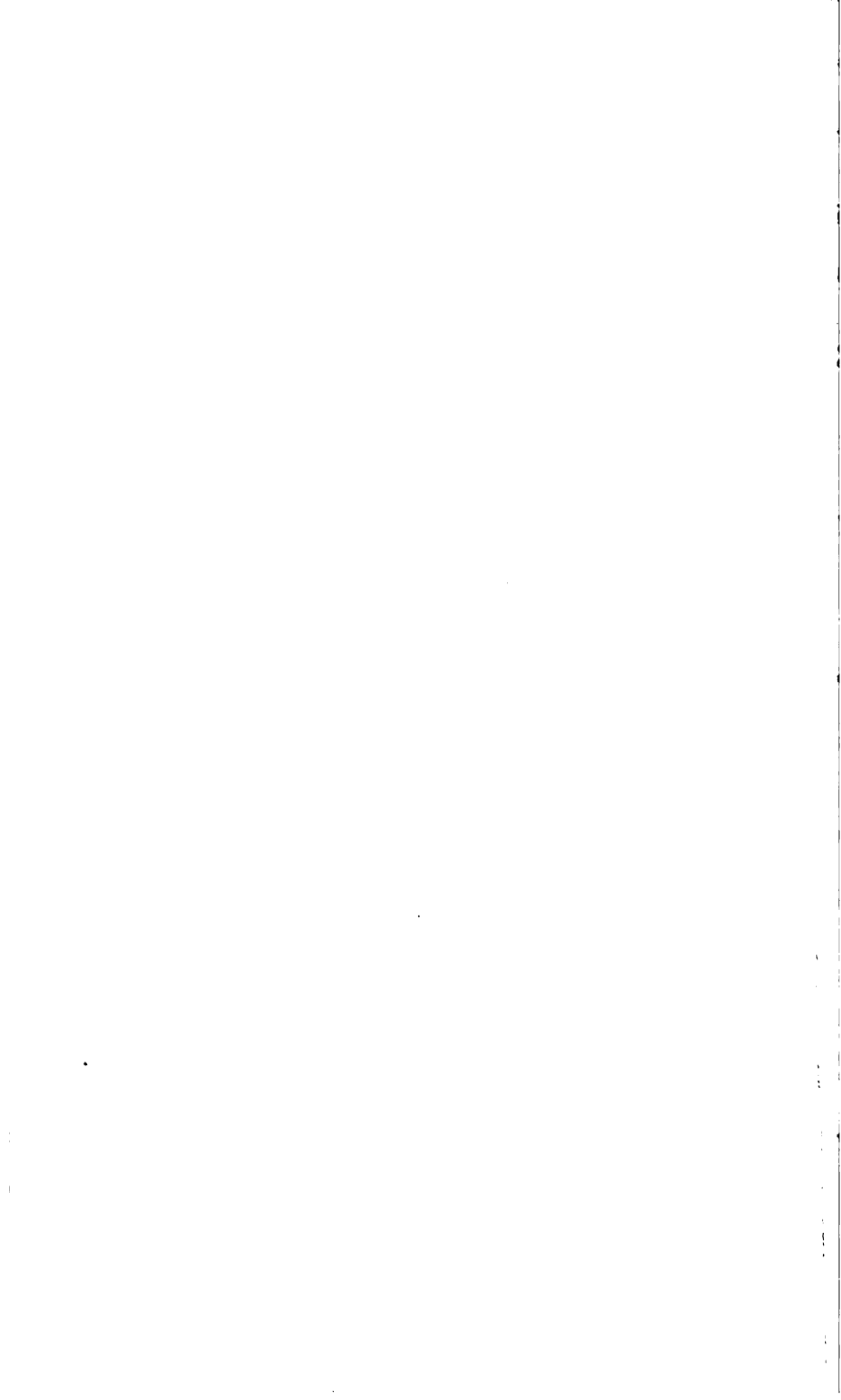
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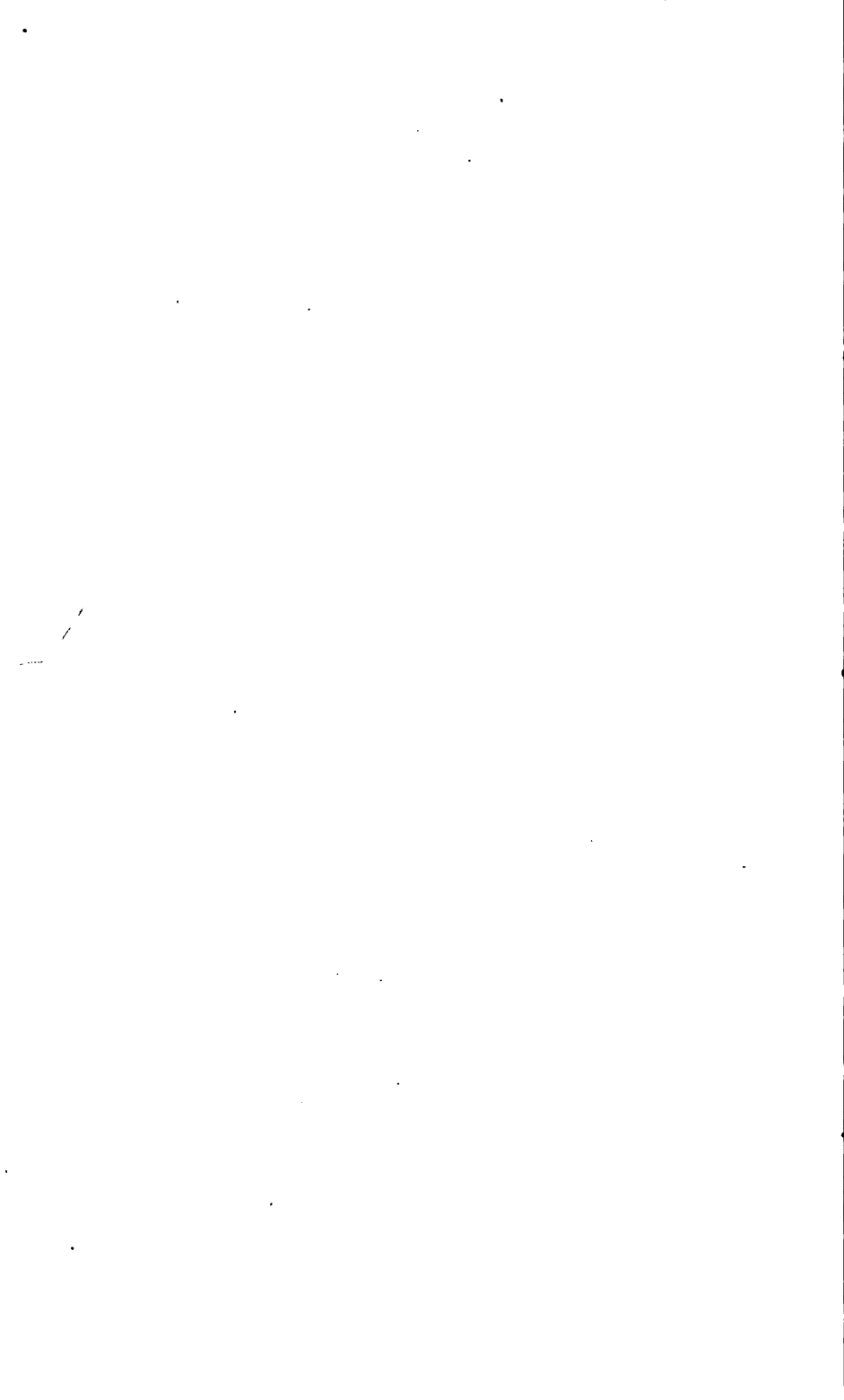


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MONASTIC ANTIQUITIES.

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Dante Malcolm Regis
 De captivibz pñtū q̄ vocāt celsū.
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 francat ranguit r̄ Scot̄ Sāt
 S uatū me dedisse r̄ cellisse dñi de dñis r̄ monachis
 ibidem deo s̄uanti i p̄uam eleuolnam p̄ salute
 die p̄decessorū mei dñi Regis capta pñtū q̄ dñat
 lre p̄at p̄t̄ linguam q̄ i meo dñis p̄ illa p̄sodvā
 applūit. in qua p̄e illor̄ cā lra est lra. Andā
 ep̄. Vanc̄ amite. Huḡ de coneuil. Sāt fil̄ Alani.
 Herw̄ cānā. Nichol̄ dñs. Al̄ yns mar arkul ap̄ p̄

SPECIMEN OF THE CHARTULARY OF DUNFERMLINE.

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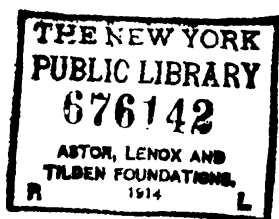
A
TRACT,
CHIEFLY RELATIVE TO
MONASTIC ANTIQUITIES;
WITH
SOME ACCOUNT OF A RECENT SEARCH
FOR THE
REMAINS OF THE SCOTISH KINGS

INTERRED IN THE
ABBNEY OF DUNFERMLINE.

BY
JOHN GRAHAM DALYELL, ESQ.

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1809.



ROY WEN
CLERK
YASSEL

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CLERK
YASSEL

PREFACE.

IT is no uncommon practice, at the present day, to compose histories from facts already patent to all the world, and by new-modelling them, or simply altering their order and arrangement, to offer repetitions as novelties, while the real sources of information remain neglected.

I cannot hesitate in advancing my opinion, that the only means of acquiring an intimate knowledge of Scottish antiquities, consists in recurring to manuscripts of early date; for although several works of unquestionable authority have of later years appeared, it is there that the great mass of intelligence still lies in obscurity. I am

well aware of the obstacles opposed to such investigations, arising not only from ignorance of the places where the most valuable manuscripts are deposited, from their defaced, and decaying state, but also from the difficulty of surmounting an unusual character, innumerable contractions, and ambiguous expressions : altogether forming a task, which patience and assiduity alone can overcome.

A few passages are here selected from a manuscript, of no little note, preserved in the Advocates' Library, a place of easy access, purposely to convince antiquarians how much their studies, both of civil and monastic history, will be facilitated by familiar acquaintance with others of a similar description. I have intentionally avoided reference to corroborating authorities, where any do exist, that the subjects illustrated by this record may not seem to rest on extraneous aid ; and the better to demonstrate how much may be expected from combining the

matter disseminated throughout analogous sources.

In such brief and multifarious quotations, regularity and method are impracticable ; and it is almost fruitless, in bounds so narrow, to attempt classification. The words themselves, of the respective passages, are in general given, or an abstract of the sense. Sometimes, it must be acknowledged, there seems room for a different interpretation, of which the reader is himself enabled to judge. Possibly the same facts may exist elsewhere, more copiously detailed, and of more ancient date. Chronologies are commonly viewed with too much indifference ; for we should carefully observe, that customs, once universally adopted by a nation, decline by the same imperceptible gradations which advanced them, and at length totally disappear.



CHRONOLOGY.

Malcolm III.	reigned from	1056	to	1093.
Donald	_____	1093	—	1094.
Duncan	_____	1094	—	_____
Donald	restored from	1094	—	1097.
Edgar	reigned from	1097	—	1107.
Alexander I.	_____	1107	—	1124.
David I.	_____	1124	—	1153.
Malcolm IV.	_____	1153	—	1165.
William	_____	1165	—	1214.
Alexander II.	_____	1214	—	1249.
Alexander III.	_____	1249	—	1286.
Margaret	_____	1286	—	1290.
Interregnum	_____	1290	—	1292.
John Baliol	_____	1292	—	1296.
Interregnum	_____	1296	—	1306.
Robert I.	_____	1306	—	1329.
David II.	_____	1329	—	1371.
Robert II.	_____	1371	—	1390.
Robert III.	_____	1390	—	1406.
James I.	_____	1406	—	1436.
James II.	_____	1436	—	1460.
James III.	_____	1460	—	1488.
James IV.	_____	1488	—	1513.
James V.	_____	1513	—	1542.



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REMARKS
ON THE
CHARTULARY OF DUNFERMLINE.

THE Abbey of Dunfermline was the most celebrated religious house in Scotland, not only from its wealth, extent, and beauty, but also from universal repute of sanctity ; from being the favourite residence of the ancient Scottish kings, and the chosen place of sepulture after their decease.

The exact period of its foundation is unknown ; but it has usually been ascribed to Malcolm III., who died in 1093, and is said to have been interred within its precincts : besides, we learn from the chartulary, that

it was a sacred edifice in the eleventh century. For several hundred years it existed in great splendour; at length, during the competition for the crown of Scotland, and the repeated invasions of the English, it suffered in the general ravages of war, and afterwards received irreparable injury, from the frenzy of religious zeal, which, in striving to accomplish the Reformation, impiously overthrew the most venerable structures appropriated to devotion.

The monastery has long been in a state of utter decay, and at the present day exhibits only a few scattered fragments of ruinous walls, which are rapidly mouldering to dust.

In what is now denominated the Psalter Churchyard, a space which formerly constituted the floor of the eastern part of the abbey, are six flat stones, of large dimensions, all adjoining, and disposed in two parallel rows. Under these, according to history, and also tradition, the bodies of as many

kings were deposited : here, likewise, the great altar is supposed to have stood ; being close to the place of interment. But notwithstanding positive assurances of such facts, which to a certain extent are confirmed by the chartulary, as will afterwards be observed, they have sometimes been called in question ; on which account it was lately considered peculiarly interesting, to ascertain whether any relics of the tombs or repositories of the royal remains, might still be extant. Therefore, having previously obtained the acquiescence of those who could have opposed the research, the middle stone of the west row, being the largest, was removed early on the morning of the 28 of July 1807. An early hour was preferred, on purpose to prevent interruption ; for the walls surrounding the Psalter churchyard were insufficient to guard against the intrusive curiosity naturally expected on the occasion.

The earth immediately below the surface,

and even to the depth of two or three feet, had the appearance of having been dug before, though perhaps at a remote period, and nothing whatever was found among it, excepting a few human bones, brittle and rotten. Under this, however, about four or five feet from the surface, a coffin, rudely built of small irregular pieces of sand-stone along with a scanty portion of lime, and covered in the same manner with similar materials, was found, containing the skeleton of a full-grown person, pretty entire. Its position was not directly below the large stone, but one half of the length further west. It lay among soft humid clay, completely filling the coffin, from which the bones had imbibed so much moisture, that, on lifting a broken one, the water poured from the lower end as on squeezing a sponge. The head, or upper part of the coffin, towards the west, was contracted into narrow compass, just admitting the skull, which was quite fresh, and the teeth sound.

This coffin had certainly never been opened, and I am inclined to ascribe its structure to a more ancient date than the decease of the kings whose bodies are said to be deposited in the abbey; for I do not conceive that any of them are contained in it.—All the bones were returned to their original situation, and the pieces composing the top of the coffin put over them.

The morning, by this time, being far advanced, the whole excavation was filled up, and the covering replaced; which operation, as well as removing it, was a matter of considerable difficulty, as it is above nine feet long, more than one half as broad, and several inches thick.

I have since been informed, that some time afterwards, when the rain had washed among the rubbish where the earth was thrown out, a leaden plate was found, with a lion engraved on it, surrounded by *Robertus Dei Gratia Rex Scotorum*. It is now in the possession of the Earl of Elgin.

Although it is possible that these places have been previously explored, it may be in quest of treasure, and the search on this occasion proved unsuccessful, it would be desirable to resume it at a future period, and then it should be carried to a much further extent. I do not affirm that the royal remains will be discovered ; because, in opposition to general belief, I must acknowledge myself induced to suspect, that they were deposited in tombs standing above the large flat stones, or, at least, that all were not interred below them ; and that these tombs were destroyed in the general wreck of the abbey.—As abbots were commonly buried near the great altar, or in the choir, and often with crosiers and jewels of value, it is not unlikely that some such relics of antiquity might be found, and also inscriptions which would usefully illustrate the history of Scotland.

The tomb of Robert I. is said to have stood a few yards south-west of the spot ex-

amined; but notwithstanding the quantity of iron which, we are told, was used in its structure, all traces of it are equally obliterated as of the rest. Several years ago, on digging a grave immediately in the vicinity, small fragments of white marble, still bearing the remnants of gilding, were found; and also portions of a softer stone, which had been ornamental mouldings. Two of the former were shewn to me in Dunfermline, and there is a third in the Museum of the Scottish Antiquarian Society, where it has hitherto been erroneously understood as having belonged to the tomb of Malcolm Canmore. I was informed that one fragment had a lion sculptured on it.

In the course of the preceding research, on the 28 of July, the square flat red bricks, anciently covering the floor of the abbey, were turned up. Others are met with, of various colours; and pieces of painted glass are also sometimes discovered.

The whole of this part of the abbey is covered with rubbish, to a considerable depth from the surface ; but whether from the falling in of the roof, or by gradual accretions otherwise, I am ignorant.—A few individuals now employ it as a cemetery.

A CHARTULARY is the written record of the property, privileges, and possessions of a religious house, and is composed of transcripts from the original grants conferring them.

The chartulary of Dunfermline is a folio volume, consisting of 169 leaves of vellum, wrote in an infinite variety of hands, from the middle of the thirteenth down to the middle of the sixteenth century. It contains above 600 deeds, of different descriptions, all arranged in the most irregular manner, of which towards 160 have been engrossed about the year 1250, or soon afterwards. These consti-

tute the oldest part of the chartulary. They are written in a strong distinct character, abounding with contractions, as may be observed in the specimen prefixed : the ink is black, and still retains its shining quality. The rubrics, or titles of the charters, are in red, and there are some letters illuminated.

The first transcriber's design seems to have been dividing this record into three principal parts, by classing together the royal grants, those of dignitaries of the church, and those of subjects. But other transcribers have altogether disregarded the intended order, and included later charters among the more ancient ones, merely from finding a vacant space : whence the chartulary exhibits a rude and uncouth appearance, though it is in general in an entire condition. It begins with the form of an appointment of a justiciar, to hold courts and administer the laws within the territories of the abbey, which is written in a hand of the sixteenth century ; and terminates with an obligation by the

abbot, to prevent the inhabitants of Kirkaldy from building wind, water, or "hors milnis" within a certain district, dated 17 April 1557.

The ancient part commences on folio 41, and, after frequent interruptions, ends on fol. 127, though occupying less than a fourth of the intermediate space*. Some leaves subsequent to fol. 34. are chiefly in a defaced and mutilated state. The manuscript of these is not later than the middle of the fourteenth century; and that of the Popes' bulls, which form an important branch of all chartularies, approaches nearly to the same period.

The whole writings are in the Latin language, excepting a few that are in Scottish; and these are attended with no peculiarities. The oldest is dated 1437.

* This is the real numbering of the folios; but in future quotations, the number marked at the top of each is taken; by which means the ancient part commences on fol. 6, instead of 41.

The beginning of the chartulary is evidently preserved, for, immediately after the title of the first ancient charter, there is written, in the same hand, *Sancte Margarite De Dunfermlyn liber iste*. This charter is by David I., who died 1153; there are none of the sovereigns preceding him; but it is to be observed, that in others of the same king, reference is made to more ancient donations than what are there conveyed.

The stile of the grant is at first short and simple; its gradual progression in complication and tautology is well illustrated by the chartulary; as also the periods at which various clauses were successively introduced. However, in earlier times, the monks took especial care to obtain from each succeeding king a ratification of all the gifts of his predecessors, and likewise those of subjects. Besides, as if they had hardly even then considered themselves secure, they procured confirmations of the whole by the Popes. The simple grant is attested by the

seal or signature of respectable witnesses, or by the seal of the granter ; sometimes it bears the attestation of twenty witnesses ; sometimes only of one ; or the king declares himself the witness of his own writing. Women are found, though rarely, among the witnesses to charters, a practice that has long been discontinued. Before the year 1165, A. Comitissa, perhaps indicating the mother of Malcolm IV., is witness to one of his charters, fol. 10. In the reign of William, a charter is granted by Malcolm earl of Athole, to which E. Comitissa, *sponsa mea*, is a witness, fol. 82 ; and the next, by Henry earl of Athole, is witnessed by Margarita, Comitissa Atholie. In 1212, Philip de Mubray, and Galiena, his wife, grant a deed, to which Ermergarda, Regina Scocie, is a witness, and her seal affixed, fol. 85, 94 ; and, in the reign of Alexander II. or III. Domina Margeria is a witness, fol. 88.—But it is not thence to be inferred that the custom was general.—In the thirteenth cen-

tury, Margaret Scot seals with her ring: a common usage of old, fol. 86.

Very little of the history of the monastery is to be collected from the chartulary. We thence learn, that it was dedicated to the Holy Trinity; that Margaret Queen of Scotland, who died 1093, was afterwards the tutelar saint, and the king patron, fol. 94. That it was actually founded in the eleventh century, is proved from David's confirmation of his father's grants, fol. 8, 9. It consisted of monks of the Benedictine order, the number of which is unknown, and most likely was unequal at different times. About the year 1231, the abbot and monks signified to the Pope that there had formerly been thirty, but, in future, there were to be fifty; but the revenues of the monastery being insufficient for the expence of receiving strangers, visitors, and the poor, they had been obliged to contract debts; therefore they besought the patronage of vacant churches, that the abbey might not suffer

from inability to support divine worship, and discharge the duties of hospitality, fol. 75. Randolph, earl of Murray, who died 1331, gave them certain lands for adding two to their number, fol. 21.

This was a mitred abbey. Pope Innocent IV., at the request of the king, empowered the abbot to assume the mitre, ring, and other pontifical ornaments, 1244, fol. 108. An abbot, prior, and sub-prior, were the principal ecclesiastics, fol. 35. Pope Benedict issued a bull, declaring, that as the offices of the monastery were wont to be bestowed at discretion of the abbot and chapter, they should not be given otherwise in future, fol. 65. And Pope Urban, lest the monastery might be injured by the entreaties and power of ecclesiastical and secular persons, and the monks sometimes concede churches more from constraint than inclination, decrees, that they shall be retained for their original purposes, fol. 101. The monks were forbidden to enter

into any obligation, or bind the monastery at solicitation of bishops, kings, and nobles, under pain of excommunication, fol. 109; and a bull declared, that the monastery should be liable for no debts, unless it were fully proved that they had been contracted for its benefit, fol. 109. About 1231, the abbey had, at great expence, been enlarged by more elegant structures, fol. 75. It was afterwards impoverished by wars, fol. 1, 92, 93.

A monk might become abbot of the order, though of illegitimate birth, provided his illegitimacy did not arise from adultery or incest, fol. 108. In 1163, every monk was prohibited from forsaking the abbey, after his professions, without the abbot's permission, unless he entered into a stricter order. From the higher prices of vestments in 1409 than formerly, John de Torry the abbot then granted each monk forty shillings yearly of the current money to purchase them, fol. 83. In 1244, Pope Inno-

cent IV., considering the excessive cold of the climate, indulged them with the privilege of wearing caps suitable to their order; but they were, notwithstanding, to preserve proper reverence at elevation of the host, and other ceremonies, fol. 108. Pope Nicholas also, at request of James Bishop of St Andrews, who was personally present at the Holy See, issued a bull, permitting the inhabitants, both of the town and diocese, consequently including the abbey as within the diocese, to use butter, and other products from milk, without any scruple of conscience, during lent, when flesh is forbidden; oil of olives not being produced in the country, 1459, fol. 36. On what could the lower classes subsist during such prohibitions?

This abbey was in high repute. In the year 1300, William de Lamberton, Bishop of St Andrews, in premising the great perfection of discipline, the commendatory life and charity of the monks; to render them

still more fervent, gives them the vicarage of a church, fol. 26. But what contributed chiefly to its celebrity, was the preservation of the relics of the tutelar saint *. The miracles operated by them were of such distinguished fame, that her canonization became an object of national importance. King Alexander II. solicited the Pope, that Queen Margaret should be enrolled in the catalogue of saints, as her body had exhibited infinite miracles.—But no evidence of the facts being given, the Pope, in 1245, issued a bull to the bishops of St Andrews, Dunkeld, and Dunblane, commanding them to make strict inquiry into her life, merits, and miracles, to reduce what was proved to writing, attested by their seals, and to transmit it by

* I have been credibly informed, that the same portions which Father Hay says were carried to France in the sixteenth century, were exhibited at Douay subsequent to the year 1770, consisting of part of the skull cased in silver, and a quantity of auburn hair. They were lost in the confusion which attended the suppression of the Jesuits. Certain relics, both of Margaret and Malcolm III., are said to be preserved in the Escorial, in Spain.

a trusty messenger, that he might thence learn how far he could indulge the king's request, fol. 108. The bishops accordingly proceeded to investigate the matter ; but having neglected to record either the names or the words of the witnesses, the Pope thought himself obliged to refuse the king's request. Some years afterwards, however, the same subject was committed to the charge of a cardinal, who corresponded with the Bishop of St Andrews concerning it, 1249 ; and the facts being proved, we find that she was canonized, fol. 109.

The abbey enjoyed many privileges, both from the popes and the sovereigns of Scotland. Having been aggrieved by clergy as well as laity, the abbots of Scone and Lindoris, and the prior of St Andrews, were empowered to judge in its causes, instead of transferring them to the Apostolic See, fol. 106. The lands belonging to it were held in full regality, whence even capital crimes could be tried by a bailie appointed by the

abbot *. Thus, if any of the men on the territories of the abbey committed a crime, they could be repledged from the supreme criminal judges of the kingdom, and brought to the abbot's court, 1449, fol. 33. As early as the reign of David I. it is declared, that they shall be bound to answer nowhere but in the court of the Holy Trinity and the abbot of Dunfermline, fol. 6. This pernicious privilege, we discover, had extended to a particular family, called Makaroun or Kynmacaroun ; but, according to the chartulary, the king had found it expedient, from the murmurs of the country, and

* Many volumes of the record of this judicature were lately found in a garret in Dunfermline, covered with dust. The date of the oldest does not ascend higher than 1582, and the last comes down to the eighteenth century. There are several instances of capital sentences pronounced on criminals by the bailie of regality. In 1587, Hew Watt, vagabond, is convicted of stealing cattle, and condemned " to be hangit to the deith on Baldris gallows, or ellis " drownit, at will of the judges." In 1583 Andro Stewart, vagabond, is sentenced to be " brunt on the richt " schoulder, with the comoun marking yron of Dunfermling, scourged, and banished." The trials are by juries, sometimes of eleven or thirteen persons.

for bridling the licentiousness of those feigning themselves of the same race, to abrogate the powers of the monastery in repledging them from courts and justice airs. The original privileges were, nevertheless, restored in 1459, fol. 50.

From the territory of the abbey being a regality, the merchants and burgesses of Dunfermline might freely trade within its bounds; but reserving to the king the great customs of hides, wool, skins, and other merchandize produced without them, 1363, fol. 61. By David I. the monks were universally freed of duties on all things purchased for their own use. Robert I. had intimated to his Great Chamberlain, that the monastery had a gift of the great customs of wool, skins, and leather, arising from their own lands and men throughout the whole kingdom, 1322, fol. 60; but, having usurped a proportion of the great customs, to the king's prejudice, Robert II., by an order of his council, ordered the trone and customs to

be arrested, and brought into his hands. The arrestment, at solicitation of the abbot and monks, was removed, while they were warned not to encroach on the king's right in future, 1383, fol. 61. The ancient cocquet, or seal of the regality, I fortunately recovered from Dunfermline, and have deposited it in the Advocates' Library, along with another of equal antiquity. Both are in good preservation, engraven on copper, and fully as old as the fourteenth century *.

David I. exempted the men belonging to the abbey from labouring at castles, bridges, and all other works ; and William, who succeeded to the throne in 1165, declares, that
“ when I repaired my castles in Ros, the
“ men belonging to the abbot and monks of
“ Dunfermline assisted of their own good
“ will, at my request, along with other
“ honest men of mine ; but it is my com-
“ mand, that, having done this at my in-
“ stance, it shall not be construed into any

* In attaining this, and other objects, I was indebted to the friendly assistance of the Rev. Mr Fernie of Dunfermline.

“precedent,” fol. 12. The monastery was also exempted from attendance at courts of law, which was a common burden on other subjects, 1449, fol. 33.

The spiritual and temporal rights of the abbey were very extensive. The abbot was superior or overlord of lands the property of others, and received the resignation of his vassals sitting on their knees, and testifying all due humility, 1457, fol. 49. A jury, summoned to decide whether homage was due by the Earls of Fife to the abbot for certain lands, returns a verdict from Kirkaldy, in 1316, “that they know well, “and indeed some of them saw Malcolm, “Earl of Fife, do homage before the great “altar, to Robert de Kaldeleth, then abbot, “for the lands of Cluny, previous to high “mass, on the day that the Holy Margaret “was translated at Dunfermline, in presence of King Alexander III., seven bishops, and seven earls of Scotland. That “they know, and some of them also saw

“ Colban, Earl of Fife, his son and heir, do
“ homage to Symon, abbot of Dunfermline,
“ in the chapter-house *, by this token, that
“ John Thyanus, at that time the abbot’s
“ chamberlain, got a well furred cloke for
“ the homage. Likewise, when Duncan,
“ Earl of Fife, son of Earl Colban, passed
“ the night at Dunfermline with abbot
“ Ralph, the abbot demanded homage for
“ the lands of Cluny, which he was willing
“ to perform ; but the day appointed for
“ that purpose was anticipated by Earl
“ Duncan’s decease,” fol. 3. This verdict
most probably led to a memorandum, of
which there are several in the chartulary on
various subjects, that Duncan, Earl of Fife,
the son of the preceding nobleman, on the
9 of January 1316, did homage, and swore
fealty before the great altar to the abbot,
Robert de Caral, for the lands of Cluny,
which he held *in capite* of him and the mo-
nastery, fol. 113.

* Or, “ in presence of his chapter.”

The abbey held all kinds of property that subjects could enjoy. The abbot had a ship, which David I. exempted from duties ; from him also the monks obtained right to the ferry, it appears, and ship of Inverkeithing ; but under condition, that those persons belonging to his own court, and that of his son, as also strangers and messengers passing and returning, should be carried passage free, fol. 9. They had the customs of the vessels entering the harbour of Inveresk, and fixing their nets on the ground, with exception of the customs of merchandize carried there and sold. They had houses, lands, annuities, salt-pans ; and they obtained a coal-pit in 1291, fol. 80. David and Malcolm bestowed upon them an eighth part of all the fines for offences that should be levied in Fife, fol. 9, 11, 15. And there is a mandate by William Earl of Ross, supreme criminal judge north of the river Forth, to the Sheriff of Fife, in 1339, to pay that eighth part of the fines of his last iti-

nerary to the monks, fol. 5 ; and the same right is confirmed a century afterwards, fol. 33.

From David I. the monks obtained the whole wood necessary for fuel and for building ; also every seventh seal of those caught at Kinghorn, after being tithed. From Malcolm, half the fat of the crespies * caught between Forth and Tay, for lights before the altar ; likewise the heads of all the same fishes that should come ashore in the king's lordship on the *pater Scotwater*, where their church was situated, excepting the tongue. They had from David half the skins and fat of all animals killed at festivals in Stirling ; and, in the reign of Alexander III. they were entitled to cer-

* Crespies. Some authors consider this an abbreviation or corruption of *graspisces* or *craspisces*, *crassus pisces* : thus understanding it in a general sense. Small whales occasionally come up the Forth ; and it is to be remarked, that this donation is confirmed by Malcolm and William, in these words : “ et quodcunque cete ex *parte Scotcie* applicuerit, sive captum fuerit.”

tain duties from the king and queen's kitchen. The first ships arriving at Perth and Stirling paid them five merks of silver yearly for vestments. In addition to these, they received numerous other grants of an uncommon, and, to us, apparently of a useless description.

The piety or gratitude of devout individuals, led them to do the same ; and characters of the donation were sometimes placed on the great altar as an oblation, fol. 85. Early in the twelfth century, Waldeve, the son of Gospatric, gives the church of Inverkeithing to the abbey, for the love of God and Saint Margaret, " that our Lord Jesus " Christ, by the intercession of that Holy " Queen, and by the prayers there offered " up, may have compassion on our souls," fol. 85. Galfridus de Malevin, in the twelfth century, makes a similar gift for the souls of King David and Malcolm the younger, " and now for burning a perpetual light before their tombs ;" and King Robert I. does

the like for burning a perpetual light before the shrine of the blessed Margaret in the choir, fol. 19. In the thirteenth century, a man and his wife convey certain rights to the monastery, for having relieved them from poverty and want, and for their future sustenance, fol. 88. Margaret de Ouyeth gives lands, that a mass shall be celebrated on her birth-day for her soul. All these donations were subjects of great worth to the monks.

Besides such endowments, the monks, in an agreement between the abbey and the town of Perth, 1440, protested that they did not relinquish special funeral emoluments, offerings of wax, money, horses, and other mortuaries pertaining to funerals, fol. 30.

But the chief source of income to the ancient Scottish ecclesiastics, and that which was most widely extended, consisted in levying the tithe ; and it is difficult to name those things which were an exception from

this grievous burden. It is one which was very anciently recognized, though some peculiarities seem to indicate, that, at the earliest date here referred to, it might perhaps be confined to special grant; whereas it afterwards had a general and comprehensive sweep over all property, of every species and description. From the chartulary we find, that there was an agreement made between Robert, Bishop of St Andrews, and G[osfridus], Abbot of Dunfermline, before King David, his son Henry, and their barons, in the Castle of Edinburgh, from which it appears, that, on the same day that Alexander I. dedicated the chapel in Stirling Castle, he granted the tithes of his lordships in the *sock* of Stirling to it. This deed further expresses, " that the " church of Eccles had right to all the " tithes arising *de hurdmannis, et bondis, et* " *gressmannis*, along with the other duties " which they owe to the church. Also, the " bodies of those who die, whether *de man-*

“ *capitis dominiorum* *, or of the parish, shall
“ lie in the parish churchyard, with those
“ things pertaining to the dead, which be-
“ long to the church ; but excepting any
“ burgess who may die there by accident.
“ Likewise, if the lordships shall be en-
“ larged from cultivation, or breaking up
“ waste land, the chapel shall have right
“ to their tithes. If more men than were
“ originally there, now dwell in the lord-
“ ship, their tithes, and those of all who cul-
“ tivate the lordship, shall belong to the
“ church ; but the bodies of those who dwell
“ there, shall pertain to the parish church,”
fol. 6. Some expressions in the deed are
obscure, and difficult to explain ; others are
hardly to be understood without a commen-
tary. However, it is evident, that tithes
could be no novelty prior to the year 1124,
when Alexander died.

David I. grants to the monastery a tenth

* Probably the emancipated bondmen of the lordships.

of all the huntings between Lammermuir and Tay, fol. 10; a tenth of all his wild mares of Fife and Fotheriff; a tenth of all the salt and iron brought to Dunfermline for the king's use; and a tenth of all the gold that might come to him from Fife and Fotheriff, fol. 7; whence it has been conjectured, that gold was formerly found in these districts. It is possible, nevertheless, that it may infer the king's rents or revenues; though a tenth of the money rents of Stirling is elsewhere specially bestowed, fol. 6. The monks had a tenth of the can payable to the king, which probably here means rent the produce of the subject, from Fife, Fotheriff, and Clackmannan, in grain, cheese, malt, swine and cows; the can of a ship, fol. 8; a tenth of the eels paid to him yearly by Dovenaldus de Forether, in the same way as they had it from cheese when the king received cheese; and if the rent should be changed again, they were to have a tenth of it, fol. 13. David likewise gives a tenth

of all his lordships in corn, animals, fishes, and money, fol. 6.

Tithes were very anciently valued in money. King William, who died 1214, gives the specific sum of *xxiiis. iiijd.* as the tithe of the malt, which the monks were wont to draw from his lands of Fithkil, fol. 13; and in the year 1237, part of the tithes of lent are mentioned as consisting of told money, fol. 24. In this kind of revenue we find a division in the interests of the monastery, and the vicars of its churches. In a dispute between the Abbey and the vicar of Musselburgh, before 1233, the Bishop of St Andrews determines, that the latter shall have all offerings and small tithes belonging to the altarage of the church of Musselburgh, excepting fishes of every sort, and the tithe of mills belonging to the monks, for which the vicar shall pay ten merks yearly, fol. 26. Probably it was a common practice, at a later period, to let the tithes to a stranger. In the year 1457,

Richard, abbot of Dumfermline, let the teind sheaves of the croft of St Rynan's chapel, in liferent to the parson of Calder, for a boll of barley, and a boll of oats yearly, fol. 36; and in 1472, the abbot let to Matthew Forster, burges of Stirling, for 19 years, the fruits, teinds, and right of the parsonage of the church of Stirling, for "fifty pundis of "gude and usuale money of Scotland," yearly. By the same lease, 40 acres of land are let for only "viii lib. of the sade usuale money," fol. 74; a small sum comparatively. In 1215, the tithe of the corn of Polmase Regis is payable by the specific quantity of a chalder of oatmeal, fol. 95.

By a decree-arbitral, proceeding on a submission between the monastery and William Guky, *perpetual vicar* of Inverkeithing, in 1305, it is decided, that a tenth of all the corn growing, both in the fields and gardens of the whole parish of Inverkeithing, shall be drawn by the monastery, but the other things reserved to the vicar,

which are known to belong to his vicarage, fol. 32. In 1466, the prior of the convent of Vallis Virtutis of Perth is to have the *decimas garbales et prediales* of certain lands, both cultivated and uncultivated, fol. 58.

So early as the years 1220-1233, the tithe of mill multures and sequels was levied; and there was, at the same period, a question about the tithes of fishes, fol. 95.

Perhaps some future opportunity may occur, of discussing the obscure and contested subject of *decimæ inclusæ*. There is very little to be collected, on this head, from the earlier deeds in the chartulary. But in 1543 there is an infeudation of certain lands by the monastery to Robert Dury, cum decimis garbalibus earundem inclusis. Quæquidem terræ, cum decimis garbalibus earundem inclusis, omnibus retroactis [temporibus] ultra hominum memoriam absque divisione semper simul assedebantur,

fol. 19 *. Also, Magister Archibaldus Hay, rector ecclesiæ parochialis de Mailvile, conveys to John Young, with consent of the monastery, omnes et singulas terras meas ecclesiasticas, et totam et integram glebam mee rectorie, dicte ecclesie parochialis, de Mailville spectan. et pertinen. cum decimis garbalibus earundem, que a dictis terris et gleba nunquam separari solebant, 1546, fol. 23*.

While speaking of ecclesiastical matters, it may be remarked, that the revenues of some churches belonging to the monastery were, from various causes, of inconsiderable value. In the year 1240, the church of Little Kinghorn was given to the abbey; but it appeared that if a vicar were instituted there, the revenue was so small, that little or nothing would accrue to the monks; therefore the donor, David, Bishop of St Andrews, ordains it to be served by fit and proper chaplains, fol. 26. A deed by the abbot and monks, which is dated on Sunday, in the year 1330, men-

* In princip

tions that John de Kinros, perpetual vicar of Inverkeithing, had represented to them that this place was so much exhausted by exactions and contributions, as well apostolical as royal, that sufficient funds were wanting to repair the choir; and the monastery agreed to pay half the expence of doing so on this occasion, fol. 33. In a controversy between the vicars of Perth and the monastery, the bishop of St Andrews decides, that, on payment of fifty merks to the monastery, the vicar shall be responsible for the episcopal, and all other burdens incumbent on the church of Perth; and they shall be entitled to all offerings, and all things that may arise from fortuitous occasions, and also the tithes of lent paid in money, 1237, fol. 24. A vicar's pension, in 1440, is thirty-five merks, with wine, bread, and wax, fol. 29. About the beginning of the fourteenth century, vicar and curate are mentioned as synonymous, fol. 38, 46.

A few passages in the chartulary throw

some light on the ancient state of chaplains, who may more nearly be assimilated with the present clergy of Scotland. In the year 1323, William, Bishop of St Andrews, gives a chapel on the north side of Queensferry to the abbey, for the service of which the monks shall find two chaplains to celebrate divine worship, and shall also provide a chalice, vestments, books, and ornaments suitable to a chapel, fol. 60. The abbot, in 1479, grants the office of a chaplainry, newly founded by him in the same chapel, to David Story, with a stipend of ten merks yearly, to be paid from the coffers of the monastery, together with a garden, and two acres of ground, and pasturage for one horse ; also, all offerings at the altar of the chapel, except the oblations of the pix, and those of lights, which are reserved for lighting the chapel ; likewise twenty shillings for supporting the ornaments and vestments of the altar ; but an account is to be rendered to the abbot how the sum is applied. The

chaplain, in consideration of these things, shall perform a daily mass for the souls named in the charter of infeudation; he shall continually reside at, and dwell in the manse of the chapel; and if he undertakes any other cure, or resides elsewhere, by which the service may be neglected, the chaplainry shall become vacant, and fall into the abbot's hands, fol. 74.

The monastery, however, notwithstanding its ample revenues, was wont to borrow money. This had been done for the purpose of new buildings, early in the thirteenth century, fol. 75. The abbot, in 1479, acknowledges "tyl haue ressauit
" beforhands, fra Mathou Forster, a sowm
" of twa hundreth pundis of usual mony
" of Scotland, geuyn tyl us in our myster,
" and turnyt in the comon profit and
" nedeful utilitie of our place," fol. 74. On the other hand, the abbey had advanced to Christiana Beseth, during her most urgent necessity, forty pounds Sterling for

the ransom of her son, imprisoned in England ; therefore she conveyed to it three pounds nine shillings yearly, which she drew from certain property ; 1347, fol. 45. The abbot, on account of fidelity and good offices, grants to " William de Yetam, " our clerk," particular lands, as also honourable support for himself and one clerk, or esquire, in his option ; also three boys and three horses, and a stable for the boys and horses, and the same provision for them as for those of the abbot ; along with a chamber for himself, fol. 93. King James II. assigns, as one reason, in a donation for founding a chapel, the expenses, *quæ ad nostrum honorem, clare subiisse, Ricardus, abbas probatur*, fol. 39.

The monastery enjoyed full and unlimited power in exercising all the rights of property. William, in granting the monks a general protection, declares, that their lands shall be held by the same boundaries as in the reign of his grandfather David, unless

they have sold, gifted, or exchanged them, fol. 12. But the power of disposing of their property afterwards underwent some limitation ; for Innocent IV, in 1252, addresses a bull to the abbot of Holywood, narrating, that the abbot of Dunfermline having explained how the monastic possessions were alienated, both by the present monks and their predecessors, whereon writing, oaths, and penalties had been interposed ; and that such alienations were to ecclesiastics as well as laymen, some of whom had obtained letters of confirmation from the Holy See ; he commands the deeds by which this was done to be revoked, and the property of the monastery to be restored, fol. 109. Accordingly, we find, that in the subsequent year, 1253, Emma de Smythetun, daughter and heiress of Gilbert de Smythetun, appeared before the king and his council, and acknowledged that her lands belonged to the monastery, being an eleemosynary gift by King David, in perpetuity ; and un-

justly alienated by the monastery ; therefore she renounces all claim to the lands, and resigns them into the hands of the king, fol. 17. Those who held their lands and possessions in feu of the monastery, or for an annual rent, having alienated them without its consent, and imposed new burdens and servitudes to its disadvantage, the Pope, in 1250, declares null and void every conveyance of the kind, without consent of the monks, fol. 109.

Among the most interesting facts preserved by the chartulary are those which illustrate the state of the ancient inhabitants of Scotland. From various passages, it is evident, that if the lower orders of peasantry were not actual slaves, they were but one degree removed from bondage. A man and his whole posterity could be gifted by one to another like so many beasts of burden. There is a charter with the specific title *de Servis* ; and this contains a donation, by the King, of Gillandream Macsuthen and his

children, in perpetuam elemosinam, to the monks, about the years 1171-1178, fol. 13. David gives Ragewin, Gillepatric and Ulchill for ever to the church of the Holy Trinity of Dunfermline, "as my own men," fol. 7.

The master, it appears, was entitled to any acquisition the slave or bondman might make, and to the property he enjoyed. David grants that the abbot and monks "shall have omnes homines, cum omni pecunia eorum (wherever they may be), that were on the lands on that day when they were offered up and given to the church of the Holy Trinity." It is certain that such persons could not change their residence, that they were bound to remain on the lands. A charter by David, is entitled *de fugitivis qui vocantur Cumberlachi*, and there is also one by William, *de fugitivis qui vocantur Cumerlaches*. Whether these were a particular description of bondmen, or acquired that appellation from being fugitives, or whether it was the surname of a distinct fa-

mily of bondmen, if surnames were then generally known, I shall not presume to decide. In the latter charter they are denominated *cumberbas*, and *cumerlachs*. In the former, the king commands the restoration of all *cumerlachi* to the church of the Holy Trinity, "and all the slaves (*servi*) which " my father, and mother, and brothers have " given to it; and the *cumerlache*, from the " time of king Edgar until now, with all " their money." fol. 7. There are, besides, various other writings concerning fugitives. It is not easily ascertained whether the *homines nativi*, *servi*, *ligii homines*, were the same at such an early period, or what was the difference characterizing them. In the year 1275, lands are resigned into the king's hands, " *cum omnibus hominibus et cotariis* " *eodem die in eadem terra manentibus, et* " *cum tota posteritate eorum, in perpetu-* " *um;*" and the king, by the next charter, disposes these lands to the abbey, " *cum om-* " *nibus ligiis hominibus ad dictam terram*

“pertinentibus,” fol. 17. Lands are frequently conveyed *cum nativis*, in the thirteenth and fourteenth century. In the year 1278, Sir Ranulph de Strathechyn resigns the lands of Beeth Waldef into the king's hands, “*cum omnibus hominibus et cota-riis*,” fol. 17.

The right of property in such bondmen could equally be the subject of legal trial as that in an animal, in a house, or an estate. There is a memorandum entered in the chartulary, that, on the 12 of May 1340, a jury was empaneled on a question of this nature, before the Sheriff of Fife, in the churchyard of Crail. . . . “*Transiit hæc assisa, inter venerabilem patrem Alexandrum, Dei gratia Abbatem de Dunfermline, et Duncanum tunc Comitem de Fiff, super Alano quondam filio Constantini et duobus filiis, vid. Ricardo et Alano, qui se dicebant homines prædicti Comitis: sed per fidelem assisam, fide dignorum et nobilium, eo-*

“dem die facti erant homines ligii predicti
“ domini abbatis,” fol. 98.

As bondage was thus transmitted by inheritance, it was important to preserve the lineage of the bondmen; several singular instances of which are found in the chartulary. These are genealogies, written in a hand approaching to the earlier part of the fourteenth century. It is difficult to read them, both on account of their numerous contractions, and from the injury which the chartulary has there sustained.

Genealogia Johannis Scoloc:—Patricius Stursarauch mortuus est apud Orock, et sepultus in cimeterio de Kyngorn; Alanus Gilgrewer, filius ejus, mortuus est, apud Kyngl. et sepultus ibidem; Johannes Scoloc, filius ejus, mortuus est apud Kyngl. et sepultus ibidem; Johannes Scoloc, filius ejus, mortuus est apud Kyngl. et sepultus ibidem; qui quidem Johannis genuit tres filios, scilicet Adam, Johan. Bel, et Willielmum. Adam vero manens apud Kyngl. et ibi-

dem post adventum Ballioli in Scociam interfectus, in cimiterio [ibidem] est sepultus.

Then follows *Genealogia Johannis filii Adæ* :—

Adam, filius Johannis Scoloc senioris, mortuus est apud Kyngl. et sepultus ibidem ; Johannes, filius ejus, vivit et manet ibidem.

- Next is *Genealogia Mauricii, filii Ricardi et Eugenii, fratris ejus* :—Gilchristinus Man-

tauch, filius Gilgrewer predicti, mortuus est apud Inchdrayn, et sepultus apud Kyngl. ;

Ricardus, filius ejus, mortuus est apud Inchdrayn, et sepultus apud Kyngl. ; Mauricius,

filius ejus, vivit et manet apud Petynkir.

Immediately subsequent to this is *Genealogia filii Johannis Mallethny* * :—Mallethny,

filius Gilgrewer predicti, mortuus est in Gathmilk, et sepelitur apud Kyngl. ; Johan-

nis braciator, filius ejus, mortuus est in Petynkir, et sepelitur apud Kyngl. ; Malleh-

ny, filius ejus, mortuus est in Kaskybaran, et sepelitur apud Kyngl. ; Willielmus,

filius ejus, vivit et manet in Kaskynbaran,

* Or *Mallechny*.

fol. 3. One remarkable circumstance attendant on these genealogies, is the apparent alteration of the surname in the course of succession: at least, it is not clear that the surname of the ancestor was retained by his posterity.

With regard to the obligations of the monastery towards its own bondmen, there is some elucidation contained in the verdict of a jury, as early as the year 1320. This jury, which consisted of eight persons, sat in the chapel of Logyn, on a question between the abbey and the men of Tweddale belonging to it. The latter, in the first place, demand that the abbot shall appoint a bailie of their own race, who shall repledge them to the court of the monastery; to which it is answered, by the jury, that such a bailie should be given to them, not only from feudal right, but from use and wont. Secondly, they require, that if any of their race shall be verging on want, or disabled by old age, that they be maintain-

ed by the monastery ; to which the jury reply, on their oath, that the monastery is not bound to do so from strict law *, but from regard, as they are men belonging to it. Thirdly, if one of their race shall slay a man, or commit any other crime, for which he may be reduced to seek the immunity of the church, and shall retire to the monastery of Dunfermline for safety, that so long as he remains there, he shall be defended from the property of the abbey ; to which the jury answer, that, as the monastery would do so to a stranger, much more must it be done to their own man. Fourthly, they demand, that if any one of their race commits homicide, and pays a composition for it, the abbot and monks shall contribute twelve merks to discharge the composition. But on this, the jury declare, “ that they never heard of such a thing “ in all their lives,” fol. 3. One of the abbots, A. probably Alexander, towards the earlier

* Ex debito.

part of the fourteenth century, by a written deed, testifies, that " Marcorun, and Edmund, and Michael, the son and heir of " Edmund, as also the brothers and sisters " of Edmund, Michael, Mervyner, Gylemycael, Malmuren, Gyllecriste and Gylmahagu, and their whole progeny, are our " freemen, and at peace with us and the " church. That they have our liberty to " dwell where they please, (as freely and " quietly as their predecessors and their descendants, whom King David gave to our " church with Crebarin), delivering to us " an ox two years old, or four shillings " yearly," fol. 109.

Here the peasantry seem also to have been denominated husbandi, cotarii, or cotagii. In 1380, there is an exchange of lands, *pro sexdecem mansionibus husbandorum, et novem mansionibus cotagiorum et herbagiorum*, fol. 99.

These are the chief passages of the chartulary, illustrating the condition of a class

of people, whose unjust debasement has long been abrogated in Scotland.

Few historical memorials can be expected in a manuscript of this nature ; but some have, nevertheless, found a place in it. One of the most important facts respects the allegiance formerly claimed by England from the Scottish kings. Among a series of deeds regarding the monastery, there is recorded, in a hand of about the beginning of the fourteenth century, or little later, *De homagio quod fecit Alexander tercius Rex Scotorum, Edwardo, Regi Anglie, pro terris suis, quas habuit in regno Anglie.* Memorandum: quod, anno gracie M,CCL,XX,VIII. die apostolorum Symonis et Jude ; apud Westmonesterium, Alexander, Rex Scocie, fecit homagium Domino Edwardo, Regi Anglie, filio Regis Henrici, sub hiis verbis. Ego devenio hominem vestrum, de terris quas de vobis teneo in Regno Anglie, de quibus homagium vobis debeo, salvo regno meo. Tunc dixit

episcopus Norwycensis, et saluum sit Regi Anglie, si jus habeat ad homagium vestrum de regno. Cui rex statim respondit, et aperte, dicens: Ad homagium regni mei Scocie, nullus jus habet, nisi solus Deus; nec illud teneo nisi de solo Deo. Tunc Robertus de Brus, Comes de Carryk, fecit fidelitatem pro dicto domino rege Scocie: jurando in anima sua sub hiis verbis: Sic Deus me adjuvet, et hec sancta: dominus meus rex Scocie qui hic est, erit vobis fidelis de vita et membris, et de terreno honore, et vestra consilia celabit. Et tunc rex Scocie adjecit, secundum formam homagii quod sibi fecit, scilicet de terris quas de vobis teneo in Regno Anglie. Et Rex Scocie concessit, quod faceret servicia Regi Anglie de illis, salvo regno suo, debita et consueta, de quibus eidem fecit homagium; fol. 4. It may be observed, in farther evidence of the Scottish kings holding property in England, that David I, between the years 1124-1128,

gives the monks of Dunfermline one hundred shillings of his rents in England, fol. 8.

The chartulary bears evidence, that this favoured monastery was the place of sepulture, both of the kings of Scotland, and several of their more illustrious subjects. Malcolm IV. enjoins the protection of the abbey of Dunfermline, "where the body of my grandfather, king David, rests in God," fol. 10; and William confirms the right to certain lands, "which Walter the son of Alan, my Steward, gave to the church, on the same day that my brother, king Malcolm, was buried there," fol. 12. The church of Kynros and chapel of Urwell were given by Robert I. to the monastery, in honour of his predecessors buried in it, and on account of his own sepulture, "which we have specially chosen to be there," fol. 92. And James II. declares, that the monastery is a place to be held in the highest veneration, and that many of the bodies of his progenitors,

kings of Scotland, are interred in it, "*inibi decentissime sunt sepulta*," fol. 43. In the reign of William, Malcolm Earl of Athole, and his Countess, appoint it the place of their interment, fol. 82. Randolph Earl of Murray, the nephew of Robert I, orders himself to be buried in the monastery, and establishes a priest to celebrate masses on certain days, for the repose of his soul, during the performance of which, two wax lights shall burn, one at his head, and the other at his feet, fol. 21.

We learn from the chartulary, that a parliament was held at Scone in 1323. *Robertus accedens in pleno parlamento nostro tento apud Sconam solempniter, in festo sancti Jacobi apostoli, cum continuacione dierum sequencium, anno domini M,CCC,XXIII, fol. 20* ; and also that one had been held at Cambuskenneth, where David de Hastings was forfeited. More anciently, there are several allusions to the king in parliament, as I conjecture, though

this is a matter which may admit of doubt. An agreement is stated to have been made *coram rege Davide, et Henrico filio ejus, et baronibus eorum*, fol. 6. A confirmation by the same king, supposed to be between 1124-1128, commences “in nomine Sancte et Individue Trinitatis, ego David, Dei gracia rex Scottorum, auctoritate regia ac potestate, Henrici filii mei assensu, et Matildis regine uxoris mee ; episcoporum, comitum, baronumque regni mei’ confirmatione et testimonio : clero etiam adquiescente et populo,” fol. 8, 9. Malcolm Earl of Athole grants a charter, in the reign of William, stating, *ego autem et sponsa mea E. Comitissa, ipso rege presente, episcopis, abbatibus, comitibus, et probis hominibus regni astantibus test. Willielmo Dei gracia Rex Scocie*, fol. 82.

The lands of Cluny fell into the abbot’s hands by the forfeiture of Murdac Earl of Fyfe, and were by him given to David Stewart of Rossyth, 1437, fol. 28. In

1506, James, abbot of Dunfermline, conveys to Thomas Forestare, the lands of Easter Halys, which had fallen into his hands as the immediate superior, and remained there twenty-three years, by the forfeiture of William Lord Crichton, *pro nonnullis proditoriis criminibus contra supremum nostrum dominum regem*, fol. 37.

Edinburgh was a royal burgh in the reign of David I, who calls it *burgum meum de Edenesburg*. The castle is mentioned before the year 1152, fol. 6; and in 1278, a resignation took place, as is expressed in a royal charter, "in Edinburgh Castle, in our chamber called the blessed Margaret's chamber," fol. 15; which confirms the tradition, transmitted to our own days, of Queen Margaret having dwelt there.

The existence of the Culdees, whose history is involved in so much obscurity, is mentioned twice in the chartulary. David I. gives Balcristin to the abbey, *excepta rec-*

titudine quam Cheledei habere debent, fol. 6.
Before 1171, William declares quod
controversia quæ versabatur inter monachos de Dunfermline et canonicos de Sancto Andrea, super terra de Balcristin, in qua canonici de Sancto Andrea jus clamabant per *Keledeos*, de tempore Regis David avi mei, in presencia mea terminata est; ita quod monachi terram illam habeant, salva elemosina ipsis canonicis, ab ipsis monachis de Dunfermline, quam *Keledei* habuerunt de terra illa, tempore regis David, fol. 12.

The following allusions are found to the foundation of a religious house: David de Lyndseya, filius David de Lyndseya, noverritis me propter recompensationem decime quatuor acrarum terræ in feodo de Torsopin, quas illustris rex A. Scocie, matri mee, ad monasterium ibidem construendam concessit.; and in the subsequent deed, this land is called *illa particula terre in*

qua monasterium de Elihoc situm est, fol. 88.

We learn that certain disorders were committed in the priories of Urchard and Pluscardyn, and crimes laid to the charge of the priors, which were the subject of serious investigation in the years 1429, 1454, 1456. John de Benaly, the prior of Pluscardyn, it appears, resigned in consequence, and the sacrist of Dunfermline was appointed in his place.

Ecclesiastics were invested with many important privileges, not only for the purpose of exalting their own condition in general, but likewise with some which they might exercise in a manner the most formidable to the community. Of this description was the power of excommunication, an engine not unfrequently resorted to, fol. 106, 108.

The proceedings, with regard to absolution from it, are thus entered in the chartulary: Memorandum, that in the year of God 1342, on Wednesday before the feast of St

Bartholomew the Apostle, Alexander, by the grace of God, abbot of Dunfermline, went down to the south side of the Queensferry, at request of James de Dundas, concerning an amicable termination of a dispute that had arose between him and the abbot, on account of his molesting the abbot's men and boats landing at two rocks within the flowing of the tide, as they were wont to do. However, James de Dundas had alleged these rocks to be his property; though the abbot, his predecessors, and the monastery, had quietly and peaceably enjoyed the right of landing there beyond the memory of man; and on this had a charter from king David their founder and first patron, as also the confirmations of various kings, his successors, and several Popes, as the abbot then exhibited, in presence of the subscribers, namely, Magister Johannis de Gaytmilk, Alanus de Liberton, Michaelis Squier, Radulphus Clericus, Johannis de Herth, Alanus Dispenser, Ricardus filius

Willielmi Scrismour, Robertus Young, Johannis filius Henry, Johannis de Lochilde, Radulphus Gourley ; and many others, inhabitants of the Ferry. James de Dundas had, on account of his molestation, incurred the general sentence of excommunication contained in the confirmations of the popes, which he had during some time obdurately resisted, until, on the before mentioned day, he humbly supplicated the abbot, sitting along with some of his council on these rocks as being in possession of them, that he would absolve him from the sentence of excommunication, and he should abstain from molesting the men and boats in future. The abbot, yielding to this humble supplication, absolved him from the sentence of excommunication, as far as lay in his power, on finding security to abstain from the like molestation ; but, were it ever repeated, he should immediately again incur the same censure, fol. 118.

In 1279, there is an agreement between the monastery and John de Inchmartyn, by which the latter is to pay three merks Sterling, for the lands of Abbethayn, declaring, if payment be delayed three weeks beyond the stipulated terms, he shall be excommunicated by the bishop of Dunkeld, or his ordinary for the time, "renouncing for him and his heirs, all letters obtained, or to be obtained, and all remedy of law, both canon and civil," fol. 98. The failure of payment of a just debt was followed by excommunication. Thus, in 1314, the vicar of Inverkeithing had been found liable for eight merks to the monastery, for non-payment of which, it is declared that he shall be excommunicated, fol. 46.

This sentence was preceded by letters of admonition. One of these, dated 1446, is preserved entire in the chartulary. It proceeds at instance of the official of St Andrews against Magister Johannem Wricht,

se gerentem pro vicario ecclesie parochialis de Muskilburgh, and charges him to pay the tithes of the year, which he and his accomplices had taken, or their value, and to do so within 21 days, under pain of excommunication, fol. 40.

Many churches are enumerated, and a value affixed to them, in the thirteenth or fourteenth century, most likely with a view to regulate the taxations by the Holy See, fol. 116. The result is viii*m.* viii*xx.* ix merks, x shillings; and the amount of the contribution seems to be ccl*lib.* l*lib.* x*ish.* iii*jd.* In the year 1240, there is an allusion to the money *promisse domino legato a singulis ecclesiis parochialibus regni Scocie*, fol. 96. James, bishop of St Andrews, in 1441, grants a discharge to Andrew, abbot of Dunfermling, for eighty merks Scottish, *de subsidio caritativo, nobis in assumptionem nostram ad ecclesiam Sancti Andree, de ecclesiis earundem infra diocesim nostram ex tantibus debito*, fol. 31.

Among the more inconsiderable facts that the chartulary may tend to illustrate, is the relative value of money, and the price of provisions; likewise, the advance on other commodities in 1409, which is distinctly specified. The period is not exactly known, when, as already mentioned, an ox of two years old was estimated at four shillings. In 1507, the wages of a joiner were 20 merks, a chalder of meal, and 3 bolls of malt yearly; for which Symon Karnour binds himself to the monastery for life, fol. 120. About the year 1540, are the following prices; *septem bolle farine avenatice, pretium bolle vis. viii d. et due duodene pulturiarum, pretium duodene vis. monete Scocie*, fol. 15. *Quinquaginta quinque solidi pro undecim bollis avenæ dict. lye cain aits; tredecim solidi quatuor denarii pro straminibus dictarum avenarum; triginta quinque solidi pro septuaginta pultreis*, 1538, fol. 5*.

* In princip.

A few elucidations of legal antiquities are found in the chartulary. It may be asked, whether the ceremony of giving possession of immoveable subjects, is meant by a precept of David I. to the magistrates of Perth, commanding, *quatinus faciatis eidem ecclesie habere illud ibidem quod Swain saisivit*, fol. 7. The fact is plainly spoke of in the subsequent century. Galfrid, bishop of Dunkeld, who died 1249, issues a precept to the provost and burgesses of Perth, enjoining them, *quatinus abbati et conventui de Dunfermline, vel eorum procuratori, faciatis saisinam de dicta terra*, fol. 76. In 1280 are named *omnes alie terre in quibus predictus Ricardus de Balwery miles, obiit vestitus et saysitus*, fol. 98. The breve *dis-saysinæ* is mentioned 1359, fol. 79. The earliest instrument of seisin is dated 1419, fol. 81. In 1451 the seisin of an annuity is given, by delivering a penny, *ut moris est*, fol. 42.

In the year 1275, we find a more singular instance of the use of seisin, in constituting a right in a passage-boat. The abbot, Radulphus grants eight oars in the new passage-boat to seven persons, one of whom is a woman, for payment of eightpence yearly, for each oar, performing the wonted services, and paying the old rent to the tenant of the passage. One of the persons, Johannes Armiger, his heirs and assignees, ecclesiastics excepted, shall have two oars, and the rest only one. Farther, the abbot declares, that the successor of any of them, *per nos, vel per ballivos nostros saysinam remi sui habebit*, fol. 4.

Other miscellaneous points of legal antiquity are of little importance. King William gives to his son, Robert de Londoniis, the forest of Vueth, in *forestum, sicut illud habui in forestum*, with a prohibition to cut wood or hunt there without liberty, under the penalty of ten pounds, fol. 12. Alexander the Second, in 1237, gives the fo-

rest of Dolar to the monastery, preserved by the same prohibitions; and the monks obtain from him some property near Musselburgh, in *liberam warrenam*, with a prohibition on strangers to cut or hunt, under penalty of ten pounds, fol. 15. It is to be observed, that these are the same penalties as enacted by the forest laws which are ascribed to William.

Between 1214 and 1233, the monks of Scone pleaded their right to the tithe of mills on the water of Amund, "by a special grant of David, by long prescription, a just title, and *bona fides*," fol. 94. Multure is mentioned early in the thirteenth century, and sequels towards the latter part of it, fol. 87, 114. It appears, from a deed of about the middle of the same century, that the simple parts of mills were not very different in construction from what they are at the present day, fol. 59. Not far from that period, the abbot grants to William, the son of Ingeram, *illam libertatem in molendinis*

nostris que Anglicè *Rumfre* appellatur, fol. 114.

The merchetæ mulierum, then a fictitious obligation, is contained in many charters, both to and from the monks, between 1457-1555. Also, in the thirteenth century, there is a confirmation to a man and his wife, which, among other rights, conveys omnes merchetas et omnia forisfacta, exceptis illis que pertinent ad coronam domini regis, fol. 86.

Perambulation is mentioned in the reign of William. In 1231, a brief of perambulation is spoke of as addressed to a jury. Certain lands were perambulated and measured before Ricardus de Foeth, tunc *terrarius* de Muskilburgscyr, in or before the thirteenth century, fol. 87. In a perambulation, 1319, the jury find, that the tenants of Athangy shall have *omnimodum socale* in dicta mora quale alii vicini habent in eadem, fol. 99. The monastery likewise give the burgh of Dunfermline a common moor, tenend. et habend. cum omnibus aysiamendis, tam in herbagio quam *socali*, pro se et

animalibus suis, habendis, utendis, et pas-
cendis, fol. 79.

The *ligia potestas* appears in 1253, also re-
signation *per fustum et baculum*, and *litteræ*
regiæ de morte antecessoris, fol. 17. And a
century later, *usuagium terræ que vulgari-*
ter loning dicitur, fol. 90. In 1319, David
de Wemyss is the king's lieutenant; and,
in 1283, assessors to ecclesiastical judges are
spoke of.

As a consequence of vassalage, the over-
lord was entitled to attendance at his court.
—In the year 1255, the Sheriff of Perth,
a judge constituted by royal authority, de-
manded four merks from the monastery *per*
defectum sequelæ ad curiam Vicecomita-
tus de Perth, for certain lands enumerated.
The King ordered the question to be tried
before Alexander, Earl of Buchan, his jus-
ticiar, by a jury of several barons (*baro-*
nias), *utrum de eisdem terris dicta sequela*
fieri deberit vel non. The barons, by a ver-
dict, which seems to have been returned or
communicated to the king, found, that they

had sometimes seen the men of these lands come to the court, but never in consequence of that obligation (*sicut sequelatores*,) fol. 17.

Some expressions, of difficult explanation, have been already noticed ; there are also others to which we cannot trace analogies ; and a few which seem to afford a different interpretation from that which is usually given.

David I. gives to Urchard, a priory belonging to Dunfermline, *duas fuifans* per suas rectas divisas, et Fochoper per suas rectas divisas, et communionem pascuum animalibus : et unam piscariam in Spe ; et in firma burgi de Elgin xx solidos, et de *dominiciis hominibus* eorum qui sunt in Fochoper rectitudinem piscis que ad *thain* pertinet. fol. 8.

In 1240, David, Bishop of St Andrews, bestows the church of Kirkaldy on the monastery. The abbot and convent are to present vicars, qui onera ecclesiæ sustinebunt, preterquam *hospicium episcopi* de quo dicti

abbas et conventus respondebunt, fol. 52. In 1463, Thomas de Bully, canon of the cathedrals of Glasgow and Dunkeld, grants that Richard, abbot of Dunfermline, and his household, on account of favours received, accipiantur et hospitantur in toto et integro hospicio meo infra burgum de Striveling, pro perpetuo, as often, and whenever the abbot, or his successors, choose to go thither, causa hospitandi, and to remain there as long as they please, holding the said tenement in liberum hospitium, et receptaculum pro perpetuo ut moris est hospitum. The grant further proceeds: besides, when they do go thither, they shall be absolved, and free from all claim, demand, or payment, cujuscunque firme, salarii aut alicujus oneris de dicto hospitio debiti, fol. 52. There is likewise a grant by Walterus, filius Alani, probably between 1163–1173, salvo hospitagio meo, fol. 84.

In the thirteenth century, David de Lyndesay gives a toft in Haddington, sal-

vo mihi et heredibus meis ostallagio cum venerimus, fol. 85. In 1253, Alexander III. grants certain privileges to the monastery, *salvis burgis nostris*, fol. 17.

Robert, Abbot of Dunfermline, and his convent, early in the fourteenth century, confer on Symoni dicto Dereth, filio quondam Thomæ Dereth de Kynglassy, officium vel *Dereth* loci prenominati et annuos redditus, eidem officio pertinentes, reddendo annuatim unum par cyrothecarum albarum Parisiensium, vel quatuor denariorum argenti, fol. 99.

Hugo, abbot, near to the same period, grants Mariot Cook certain lands—et ipsa et heredes sui non compellentur venire ad molendinum aut fabricam, nec quicquam solvent *Dereth aut Slother* ; sed facient sequelam ad curiam nostram, et forinsecum servicium quantum pertinet ad tercium partem unius davethe terræ, fol. 111.

Though but a small portion of the chartulary is written in the Scottish language, there are several words dispersed among

the more ancient charters, which seem exactly the same as the vernacular dialect of the present day, such as well, stane, bac-floed, greynside, and the like. Latin words are never said to be translated into Scottish: thus, as we have seen, *illa libertas, que Anglicè rumfre appellatur*, fol. 114; and in 1457, *ad vadum Anglicè dictum le furde*, fol. 56.

Besides the passages which I have thus briefly selected, the chartulary of Dunfermline contains many interesting illustrations of Scottish history. Its utility in genealogical researches has often been acknowledged; and also the evidence which it affords of the tenures of lands, and their former owners. Each antiquarian has some favourite and peculiar pursuit, whence it would be impossible to gratify the curiosity of all, without a detail infinitely longer, and more explanatory. But enough has probably been said to shew the value of this and similar manuscripts, and to prove, that the history and genuine antiquities of Scotland can be but indifferently understood without consulting them.

APPENDIX.

SPECIMEN

OF THE

CHARTULARY OF DUNFERMLINE

PREFIXED.

CARTE MALCOMI REGIS.

De Capitibus Piscium qui vocantur Crespais.

MALCOLMUS, Rex Scottorum omnibus probis hominibus totius terre sue, clericis et laicis, Francis, et Anglicis, et Scottis, salutem. Sciatis me dedisse et concessisse Ab-bati de Dunfermelyn, et monachis ibidem Deo servientibus, in perpetuam elemosinam pro salute anime predecessoris mei David Regis, capita piscium qui dicuntur *crespais*, pre-ter linguam, qui in meo dominio ex illa parte Scotwater applicuerint, in qua parte illorum ecclesia sita est. Tes-tibus Andrea Episcopo, Duncano Comite, Hugone de Morevill, Waltero filio Alani, Herberto Camerario, Ni-cholao Clerico, Alwyno Mac Arkil, apud Pert.

LETTER
TO THE
MAGISTRATES OF BRUGES,
RESPECTING
THE SEAL OF THE REGALITY
OF THE
ABBAY OF DUNFERMLINE.

Burgo de Bruges. De Coketa.

ROBERTUS, Dei Gracia Rex Scottorum, scabinis et burgi ministris, ac toti communitati ville de Bruges, amicis nostris carissimis, salutem et continue dileccionis augmentum. Sciatis quod divine caritatis intuitu, concessimus religiosis viris abbati et conventui de Dunfermlyn monachis nostris, totam magnam custumam nostram de omnibus terris suis infra regnum nostrum, in liberam puram et perpetuam elemosinam. Quapropter universitatem vestram affectuose duximus, deprecandam quatinus quocienscunque mercatores vestri Flandrie seu alii mercatores cujuscunque fuerint nationis, ad partes vestras, cum mercandiis suis accedentes **COKETAM** dictorum religiosorum vobis debito modo presentaverint, ipsam, tanquam coketam nostram propriam acceptare curetis. In cujus rei testimonium has literas nostras vobis mittimus patentes. Datum apud Sconam, decimo die Julii, anno regno nostro sexto decimo. [1322.]—Chartulary, fol. 60.

**SEAL OF THE REGALITY OF THE ABBEY
OF DUNFERMLINE.**



S. COXETE REGALITATIS DE DUNFERMLYN.





THE Leaden Plate above mentioned having been lately transmitted to me, I find that it is an impression struck from one of the ancient copper seals deposited in the Advocates' Library. It may now be necessary to observe, that the seal consists of a shield, bearing a lion rampant within a double tressure, surrounded by the inscription, already cited, *Robertus Dei Gracia Rex Scottorum*. It is of the same size as the engraving here representing the seal of the regality. The leaden impression is about a quarter of an inch thick, and somewhat defaced; though, from its present condition, it can have been only a short time exposed to the air. Certain coincident minutiae prove that it is an impression from no other seal.

FINIS.



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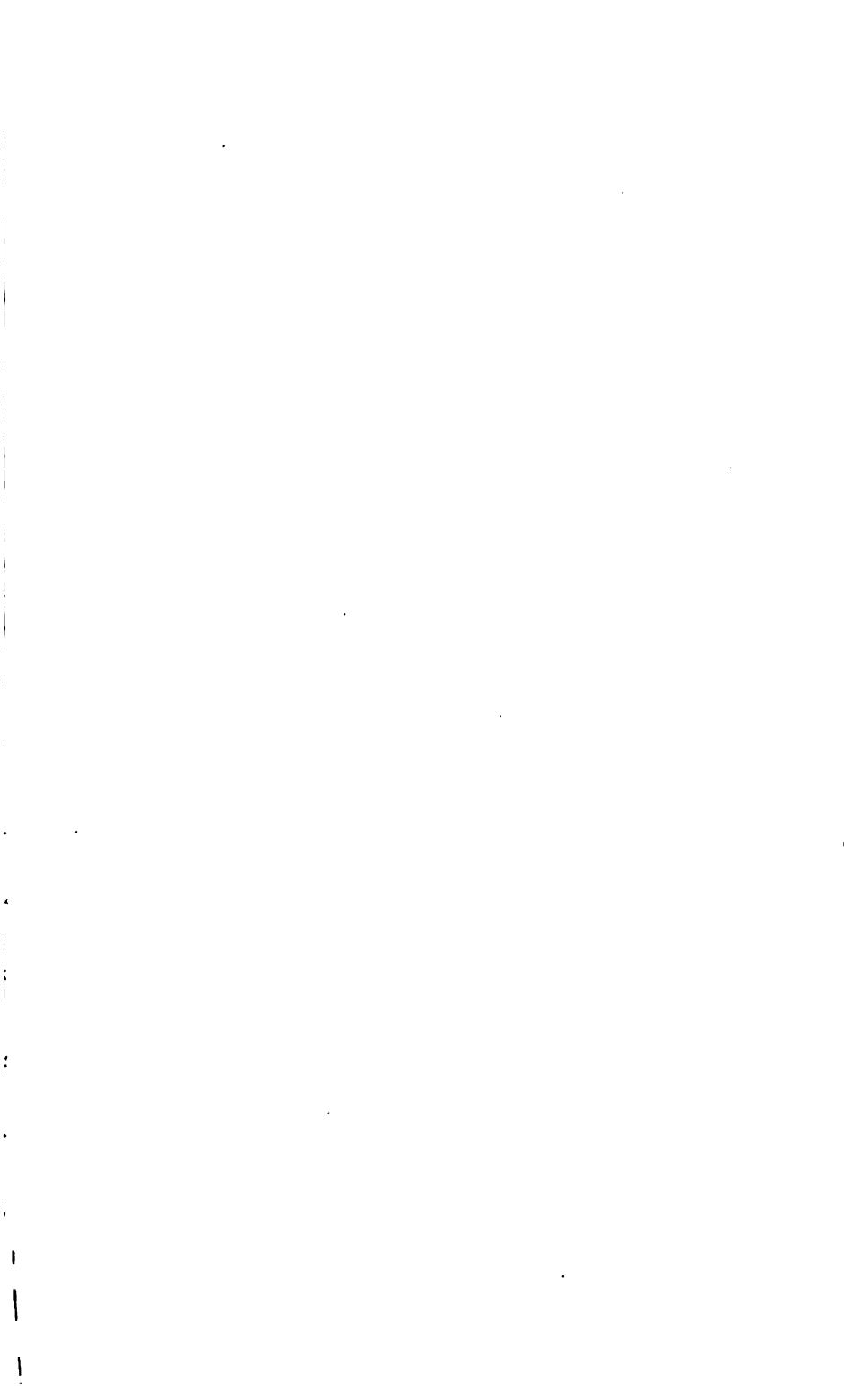
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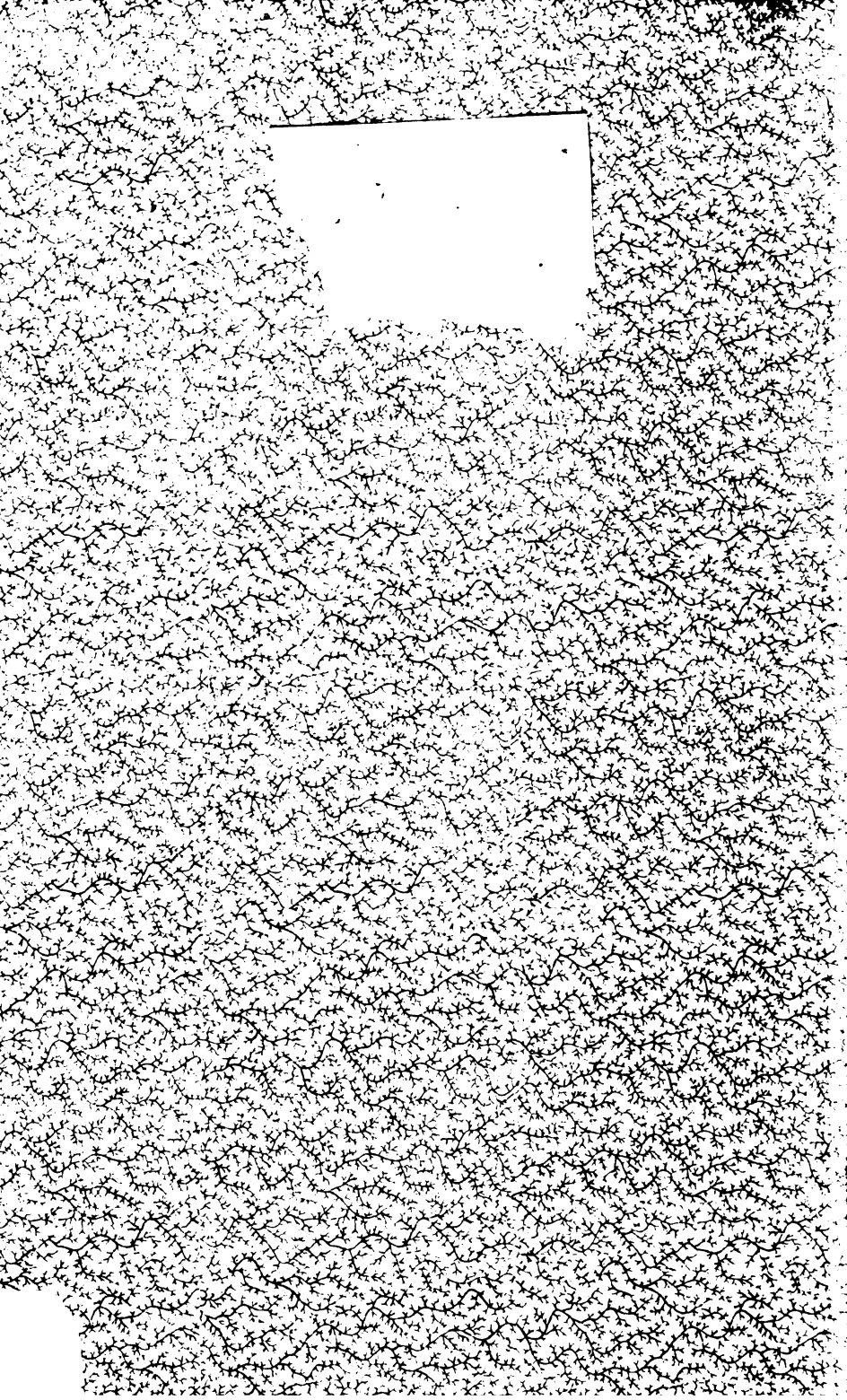


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